

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
3 SOUTHERN DIVISION

4
5 KASEY D. ALVES,

6 Plaintiff,

7 VS.

CAUSE NO.: 1:06cv912 LG-JMR

8 HARRISON COUNTY MISSISSIPPI, BY AND
9 THROUGH THE BOARD OF SUPERVISORS;
10 HARRISON COUNTY SHERIFF'S DEPARTMENT;
11 SHERIFF GEORGE PAYNE, JR.; AND,
12 HEALTH ASSURANCE, LLC.,

13 Defendants.

14 DEPOSITION

15 OF

16 ROBERT N. ELEUTERIUS

17 Taken on behalf of the Plaintiff

18 9:37 a.m., Wednesday, March 12th, 2008

19 before

20 Lisa H. Brown, CSR #1166

21
22
23 COAST-WIDE REPORTERS
24 Court Reporters
25 Post Office Box 95
 Biloxi, Mississippi 39533-0095
 (228) 374-5066



1 Q. Do you remember any of the findings that
2 Mr. Cabana made? Do you recall anything in particular?

3 A. No, I don't.

4 Q. All right. During the time that you served
5 on the Board, did you ever review any other
6 consultants' reports concerning the operation of the
7 jail while Sheriff Payne was in office?

8 A. Only the -- it was an attorney. Not any
9 consultants, no. I know about an attorney that was
10 giving us information who caused the Consent Decree to
11 go into effect.

12 Q. Who was that attorney?

13 THE WITNESS: In Jackson.

14 MS. YOUNG: Ron Welch?

15 THE WITNESS: Ron Welch.

16 BY MR. PRINGLE:

17 Q. Ron Welch. Okay.

18 A. Yeah.

19 Q. All right. And on July 20, 2005, the
20 U.S. Department of Justice sent a letter or a report or
21 memorandum to Harrison County concerning the jail.
22 And, unfortunately, I have not been given a copy of
23 that yet.

24 Are you aware of that letter that was sent to
25 the Board concerning claims of incidents of misuse of

1 force at the jail?

2 A. Yes. I mean, I remember the letter coming,
3 and the specifics, I don't. I do not.

4 Q. You do remember the letter coming?

5 A. Yes.

6 Q. Do you remember what response, if any, the
7 Board made to the letter?

8 A. No, because I don't recall exactly what was
9 specifically in that letter. But I do know that
10 everything that was brought to our attention, we tried
11 to correct. If it was a financial matter, that we
12 corrected.

13 Q. So if the letter dealt with some financial
14 issue, the Board tried to correct it?

15 A. That's correct.

16 Q. But if the letter complained, let's say, of
17 incidents of misuse of force at the jail, what, if
18 anything, could the Board or would the Board do in
19 response to that?

20 A. If we had any information like that, it was
21 turned over to the District Attorney.

22 Q. To Mr. Caranna?

23 A. Yes.

24 Q. Do you recall whether or not the July 20,
25 2005 letter was given to Mr. Caranna?

1 A. Okay.

2 Q. Second paragraph, it says, "Detention staff
3 does not uniformly receive pre-service training and
4 annual in-service programs are not regularly
5 provided."

6 Were you informed of that information set
7 forth in this report?

8 A. Yes.

9 Q. Do you know if there was anything the Board
10 did in response to that finding?

11 A. Other than possibly, you know, give
12 additional staffing, and then that -- as I told you
13 what I was looking for earlier, where we approved some
14 fifty deputies to be trained. And that might have been
15 when -- the timing. I just don't recall the dates and
16 times of all of this.

17 Q. And then, the next sentence says, "The
18 majority of training is currently on-the-job." Were
19 you informed of that finding?

20 A. Yes.

21 Q. And then, going down to the last paragraph
22 on page two, the first sentence says, "The morale of
23 the staff is extremely low." Were you informed of
24 that finding?

25 A. For twenty-four years, it's been real low out

1 there.

2 Q. And, again, I'm not going to beat this horse
3 to death all day, but the Board just felt like it
4 didn't have any authority to do anything about that
5 type of finding?

6 A. That's correct.

7 MR. MEADOWS: Let's go off the record one
8 minute, just to clarify it once and for all.

9 MR. PRINGLE: Sure.

10 - - -

11 (Off the record.)

12 - - -

13 A. To answer that question, once again, we've
14 got dozens of Attorney General reports over the years
15 with respect to that issue, and that's what's been in
16 our mind, that we have no control on any of these
17 issues.

18 BY MR. PRINGLE:

19 Q. And then, in that same paragraph, it says,
20 "Staff claimed they are overworked." Were you aware of
21 that finding?

22 A. Yes.

23 Q. Do you believe that that finding has been in
24 existence for a number of years at the jail?

25 A. Yes, I do.

1 Q. Page -- I'm sorry. Go ahead.

2 A. One of the issues on that is I'm the only
3 supervisor that was here when we actually built the
4 jail.

5 Q. Right.

6 A. And we were sold that jail that we needed
7 one deputy to run an entire pod, and that's how we
8 managed to get this jail built, and we were drilled
9 into that. But the minute we opened it up, we knew
10 that we were understaffed, because the sheriff sold
11 the project at the time that one person could take
12 care of a whole pod and that's just impossible.

13 Q. Going to page three, the middle of the first
14 paragraph at the top, six sentences down, it says,
15 "Dr. Cabana stated that there were approximately 57
16 staff vacancies." Were you aware --

17 A. Yes.

18 Q. -- that that many vacancies existed at the
19 time of this report?

20 A. Well, we -- actually, we never could find
21 out over the past six or seven years how many
22 vacancies was there, because one day there would be
23 twenty, the next day there would be thirty, and then
24 they would fill some and then they would lose some. I
25 know it's been a good number. I did not remember --

1 recall fifty-seven, but I knew there was a large
2 number.

3 Q. And then, the last sentence of that
4 paragraph says, "Staff in the booking area stated they
5 were tired from the long hours." Again, were you
6 aware of that finding?

7 A. Yes.

8 Q. And do you believe that to be true?

9 A. Yes, it is.

10 Q. And did you believe that to be true for a
11 number of years?

12 A. Yes.

13 Q. All right. Going down to the bottom of page
14 three, the last paragraph, it says, "Due to inadequate
15 staffing levels." Do you believe that the staffing
16 levels were inadequate at the jail?

17 A. Yes, I do.

18 Q. Do you believe they've been inadequate for a
19 number of years?

20 A. Yes, I do. And we've talked with two or
21 three sheriffs even prior to Sheriff Payne, and when we
22 would give them the staffing, they would never end up
23 at the jail. They would end up somewhere else. That
24 would be -- let me see.

25 - - -

1 the Mississippi Department of Employment Security,
2 Work Force Investment Area: Twin Districts for
3 training -- it says on here -- thirty employees at the
4 sheriff's department for the period of July 1st, 2005
5 to 2006.

6 Q. What's the date of that entry?

7 A. That entry is June the 20th of 2000 -- I'm
8 sorry. Yeah, June 20th, 2005.

9 Q. All right. Continuing back on page three, it
10 then says, "poorly-trained staff." Were you in
11 informed of that finding?

12 A. Yes. I recall all these terms, yes.

13 Q. Did you agree with that finding?

14 A. Yes, I did.

15 Q. Do you think that that had been -- the
16 poorly-trained staff had been occurring at the jail for
17 a number of years?

18 A. Not in all departments, but possibly at the
19 jail itself, yes.

20 Q. Yeah. Let me -- I'll try to rephrase that.

21 Do you believe that poorly-trained staff
22 existed at the detention center for a number of years?

23 A. Yes.

24 Q. The next finding said that there was limited
25 supervision, on page three still in that same

1 paragraph.

2 A. Uh-huh (indicating yes.)

3 Q. Were you made aware of that finding?

4 A. Yes.

5 Q. Did you believe that that problem existed at
6 the jail?

7 A. Yes, I did.

8 Q. Did you believe that that problem existed at
9 the jail for a number of years?

10 A. Yes.

11 Q. I'm going to skip "crowded conditions." But
12 the next one says, "failure to follow established
13 policies and procedures." Were you aware of that
14 finding?

15 A. I don't recall it, but I'm sure it was in
16 there.

17 Q. As a member of the Board, would you have
18 agreed that that existed at the Harrison County jail?

19 A. Yes.

20 Q. Would you agree that that existed for a
21 number of years?

22 A. Yes.

23 Q. And going to page four, at the very top, it
24 says, "Significant and immediate steps must be taken to
25 improve the overall professionalism of the jail,